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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,637	07/25/2003	Shigeyasu Natsubori	240884US2SCONT	9617
22850 7590 01/04/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER FELTEN, DANIEL S	
			ART UNIT 3694	PAPER NUMBER
			NOTIFICATION DATE 01/04/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/626,637

Applicant(s)

NATSUBORI, SHIGEYASU

Examiner

Daniel S. Felten

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt of the amendment filed October 19, 2007 amending claims 1, 9 and 10 is acknowledged. Thus claims 1-10 remain pending in the application and are presented to be examined upon their merits.

Response to Arguments

2. The applicant has amended independent claims 1, 9 and 10 with the language of, *“distribution means for distributing, to the present data client, broadcast basic data including at least broadcast program schedule and past audience rating information, and updated audience rating information.”* A new ground of rejection is being further made to cover this claim language in view of Kamda.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tedesco, R., “Buying air time online,” Broadcasting & Cable, 28 February 2000 and in view of Kamada et al (Pat Pub 2003/0056208 and US 7,039,928))

3. Tedesco as previously discussed suggests several information presentation systems which inserts presented data of a data presentation client (see page to para 6)

An information presentation system which inserts presented data of a data presentation client into provided data which a service provider provides, and presents the presented data, the information presentation system comprising:

--data presenting conditions (bid prices) transmitting means for transmitting data presenting conditions by the data presentation client (see full article),

--data presenting condition acquiring means for acquiring data presenting conditions (or acquiring bid prices) from the data presentation client in a prior period which is before a providing period of the provided data by the service provider starts (see full article);

--data presenting condition determining means for determining data presenting conditions on the basis of a reference which is set in advance from the data presenting conditions acquired from the data presenting condition acquiring means, after the prior period passes (see full article);

--notifying means for reporting notification data corresponding to the data presenting conditions determined by the data presenting condition determining means (programming posted online, see para.,7),

--providing means for providing the presented data by inserting the presented data into the provided data on the basis of the notification data from the notifying means (programming posted online, see para., 7).

As discussed in the previous office action, Tedesco fails to disclose, data presenting conditions corresponding to maximum price among bid price. However, since Tedesco talks about interactive bidding online, it would be obvious from auctioning

practices that there would be an upper and lower price boundary. Thus to provide data presenting conditions corresponding to a maximum price would be within the realm of what someone of ordinary skill at the time of the invention would expect. Thus such a modification would be an obvious expedient to one of ordinary skill in the art.

Tedesco also fails to disclose “*distribution means for distributing, to the present data client, broadcast basic data including at least broadcast program schedule and past audience rating information, and updated audience rating information.*”

Kamada ('208 & '928) teaches an audience data and rating research for television broadcasting for obtaining audience data of TV programs of viewers by the use of the Internet (see paragraph 1-2) in which a distribution means for distributing, to the present data client (or collection center), broadcast basic data including at least broadcast program schedule (800)(see fig. 8) and past audience rating information (stored audience data), and updated audience rating information (see Kamada fig. 11, paras 82-85, and fig. 11, column 10, lines 25+) teaching sending unsent audience data over the Internet).

It would have been obvious for artisan of ordinary skill in the art at the time of the Tedesco article to recognize the fact that the use of Kamada's method and device to obtain audience ratings of TV commercial programs would be of interest to sponsors/air-time buyers that would use the statistical information provided by Kamada to make offers (or bids) based upon the number of audience members watching a particular TV program during a specific air time slot. Thus to broadcast the audience rating information of TV programs provided in Kamada's method to sponsors/air-time buyers over Internet would assist the sponsors/air-time buyers in making an informed bid decision based upon the notoriously old and well law of supply and demand. Thus to

employ Kamada's method to distribute the aforementioned basic broadcast data to sponsors would be an obvious expedient to one of ordinary skill in art to enhance broadcast negotiates as articulated in Tedesco (see Tedesco's discussion of "BuyMedia.com," and "AdOutlet.com").

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel S Felten
Examiner
Art Unit 3694

DSF
12/20/2007